Supreme Court U.S.
FILED

No. 05-1252 MAR 22 2006

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

EARNEST L. HOBLEY, Rev.,

PETITIONER

vs.

KENTUCKY FRIED CHICKEN, INC.

RESPONDENT(S)

On Petition For Writ Of Certiorari
To The United States Court of Appeals
For The District Of Columbia Circuit

PETITION FOR WRIT OF CERTIORARI

EARNEST L. HOBLEY, Rev.
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QUESTION(S) PRESENTED

1. Did the D.C. Court of Appeals clearly understand that KFC saw this matter of theft as a criminal matter as opposed to an employee dispute when they had the petitioner arrested?
2. Did the D.C. Court of Appeals clearly understand that the D.C. Metropolitan Police could not and would not have had the petitioner arrested for an employment dispute?
3. Did the D.C. Court of Appeals clearly understand that the D.C. Superior Court could not and would not have tried the petitioner for an employment dispute?

4. Did the D.C. Court of Appeals clearly understand that criminal activities are ***not*** subject to arbitration agreements, signed or otherwise?
5. Did the D.C. Court of Appeals clearly make their decision based upon discriminatory animus?
6. Did the D.C. Court of Appeals violate the 14th Amendment concerning Due Process of the Law in their decision?
7. Did the D.C. Court of Appeals violate the 5th Amendment concerning Rights of Persons?

LIST OF PARTIES

[X] All parties appear in the case on the cover page.

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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STATUTES AND RULES

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix B to the petition and is

Appendix B to the petition and is

[ ] reported at_____;or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the United States district court appears at
Appendix A to the petition and is

[ ] reported_____;or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

JURISDICTION

[x] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was September 9, 2005.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: December 22, 2005, and a copy of this order denying the rehearing appears at Appendix C.

[ ] an extension of time to file the petition for a writ of certiorari was granted to and including_____(date) on ____(date) in Application No.__ A_____.

The jurisdiction of this Court is involved Under 28 U.S.C. section 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the Constitution of the United States of America (RIGHTS OF PERSONS)

The Fourteenth Amendment to the Constitution of the United States of America (DUE PROCESS)

STATEMENT OF THE CASE

Rev. Hobley was employed by Kentucky Fried Chicken beginning June 6, 2001 and remained employed with the company until February 8, 2003. On April 1, 2003, an arrest warrant was issued based on information supplied by KFC falsely alleging theft of company funds. Rev. Hobley was subsequently arrested at his home on June 13, 2003 upon the false complaint entirely initiated and carried out by a KFC employee alleging that Rev. Hobley had stolen funds from KFC. The DC Superior Court fount that there was no basis for the false allegations and charge of theft. The Court further ruled that the charge was in fact not true and insinuated that KFC's main accuser, Mr. Olu Adepegba himself

could have been guilty of the crime.
The DC Superior Court found Rev. Hobley innocent of the charge on February 6, 2004. This proven fact was the cause and main issue in the complaint filed by Rev. Hobley and so stated in his initial complaint. KFC resisted the complaint filed against them by contending that the plaintiff agreed to arbitrate all claims related to his employment with KFC.

On August 3, 2004 U.S. District Court Judge Rosemary M. Collyer Stated in her memorandum opinion that KFC seeks to link Mr. Hobley's false accusation claim to his employment by arguing that his claim was employment related. However, the Court stated that these facts put forward by KFC were not accurate, because Rev. Hobley was found "not guilty" of the alleged theft. Therefore, the

Court stated that his claim for false accusation is not based on any event that had its genesis in something he did while he was a KFC employee. In fact, the Court further stated that the claim is based on his lack of involvement in the theft. Judge Collyer stated that the Court could find no consideration to support any allegation to arbitrate a post-employment event. KFC moved for reconsideration. The Court granted the motion for reconsideration and ruled on October 26, 2004 that Rev. Hobley's false accusation claim came within the party's agreement to arbitrate disputes.
On November 22, 2004, the Plaintiff filed a notice of appeal. The case was filed and docketed on November 30, 2004. The Court of Appeals affirmed the District Court's decision on September 9, 2005 and denied the petition for hearing en banc on December 22, 2005.